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Attorney's Docket No.: 16785-007001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Randy Beeman et al.  
Serial No. : 10/763,682  
Filed : January 23, 2004  
Title : LANDSCAPE LIGHTING

Art Unit : Unknown  
Examiner : Unknown

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO BE ACCORDED FILING DATE

1. This application was submitted by Express Mail on January 23, 2004, as a continuation-in-part of pending U.S. application Serial No. 10/279,699, which was subject to an outstanding Office Action on the merits.

2. The first sentence of this application states:

This application claims the benefit of priority from U.S. Patent Application entitled "Electronically Controlled, Variable Color Landscape Lighting Using Multiple Light Emitting Diode Chips on a Printed Circuit Support Member," filed October 23, 2002, Application Serial No. 10/278,699, which is incorporated herein by reference in its entirety.

3. On May 4, 2004, the Office issued a Notice of Incomplete Nonprovisional Application, copy attached. Therein it is noted that the application was deposited without drawings, and any request to be accorded as a filing date the deposit date of January 23, 2004, must be by petition. An oath or declaration was also required.

4. The first eleven figures, that is, all but newly added FIG. 12, were on file in the USPTO and in effect submitted on January 23, 2004 by incorporation of parent application Serial No. 10/278,699 by reference in its entirety.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EF353807976US

July 6, 2004

Date of Deposit

5. Petitioner believes newly added FIG. 12, which is only a flow chart, is not needed. 35 U.S.C. §113. Therefore, all required drawings were (a) already submitted as of January 23, 2004, and (b) explicitly incorporated by reference in the instant application.

6. Petitioner submits herewith a Preliminary Amendment canceling the references to FIG. 12. Petitioner also submits herewith the required inventor's declaration referring to this application. Petitioner further submits a copy of the Express Mail receipt of this application showing deposit on January 23, 2004. Finally, petitioner submits herewith formal drawings for FIGS. 1-11, which, as noted, are the figures already on file in Serial No. 10/278,699 and incorporated by reference in this application.


On the basis of the foregoing recited facts, petitioner requests that this application be accorded a filing date of January 23, 2004, its date of Express Mail deposit, and requests that FIGS. 1-11 be transferred from the parent application to this application (unless the Commissioner finds the addition of the enclosed FIGS. 1-11 renders that unnecessary.)

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

7/6/04

  
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